

INFONE, LLC

FCC Directory Services Proceeding

- (i) Retail Directory Assistance Competition Rulemaking, CC Docket No. 99-273
- (ii) Policies And Rules Governing Interstate Pay-Per-Calls, CC Docket No. 96-146

1. Toll Free Carriers, Such As Infone, Provide Innovative Directory Services.

Infone LLC, a common carrier, offers directory assistance (“DA”) and enhanced directory assistance (“EDA”) service directly to the public via written (electronic) presubscription agreements using 888 toll free access numbers. Infone’s services include a wide variety of (a) personal assistant services handling contact data bases, calendars and personal preferences, including voice-powered e-mail; (b) “TeleConcierge,” for making reservations and performing other concierge services; movie listings and reviews; directions and roadside assistance; (c) uploading personal contacts and calendar for access from any telephone; and, of course, (d) directory assistance and call completion. Infone’s subscriber is charged \$.89 for a 15 minute session, which can include multiple requests for information and multiple calls.

2. Infone’s Enhanced Directory Assistance Service Is Properly Exempted From The

Requirements of Section 228 Of The Act As A Directory Service And Needs No Further Definition.

In the 1996 Act, Congress chose to use the broad term “directory services” in according an exemption for directory assistance providers to the definition of pay-per-call found in Section 228(i)(2) of the Communications Act. The Commission has previously recognized that the scope of the term “directory services” includes enhanced directory assistance (“EDA”) as part of the natural evolution of directory assistance (“DA”). “Enhanced DA services are DA services that offer additional features such as multiple listing from a single call or concierge services.” Retail Directory Assistance Competition Rulemaking at para. 47. Thus, directory service needs no further definition for purposes of Section 228 of the Act.

3. Infone’s Enhanced Directory Assistance Service Conforms To The Requirements Of Section 228 Of The Act.

Infone's customers access its service through toll free numbers whereby the caller (i) presubscribes to Infone's DA/EDA services, (ii) is connected to Infone for free via the 800 or 888 number, and (iii) pays for the DA/EDA services rendered by using a major commercial credit card. In conformance with the subscriber verification procedures set forth in Section 228(c) of the Act, Infone uses "voice prints" (made possible by receipt of CPN or ANI by Infone from connecting carriers) and/or PIN numbers to authenticate its presubscribed callers' identities on a real time basis in delivering its service. These state-of-the-art security measures provide an additional measure of protection for both the directory services carrier and its subscriber from unauthorized use of the service in conformity with the requirements of Section 228 of the Act.

4. Toll Free Enhanced Directory Assistance Carriers Provide The Only Viable

Retail Competition To ILECs And Their Wireless Affiliates.

Competitive carrier use of toll free numbers to provide EDA is the only existing viable avenue promoting retail DA/EDA competition to dominant incumbent ILECs and their wireless affiliates. The customers of these dominant carriers, such as SBC/Bell South/Cingular Wireless and Verizon/Verizon Wireless, have no choice of DA or EDA provider other than the captive 411 service provided by the ILEC or its wireless affiliate, other than that provided by innovative toll free carriers such as Infone.

5. Directory Services, Whether Delivered By Voice Or Data Link, Should Be Treated The Same And Exempted From Pay-Per-Call Requirements.

Internet-based services are exempt from Title II regulation, including the pay-per-call requirements. Carriers providing wireless data DA and EDA should be treated in the same regulatory manner when delivering content that can be delivered by voice.

There is no policy reason to regulate equivalent voice EDA, (wireless or wireline), differently from data EDA, just because the customer is accessing one via a live operator and the latter via a data link. Both are enhanced directory services of DA/EDA carriers and should be accorded the same treatment under the directory services exemption.

